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**More Campaign Issues Democrats Don't Talk About: Nixon and the SACB, See Page 3**

# I. F. Stone's Weekly

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**Sensational Senate Revelations the Press Failed to Report**

# Atomic Arms for Germany Via A Phoney Emergency?

A little noticed exchange on the Senate floor Feb. 8 indicates the government has been getting ready to play a very dangerous card in the coming summit negotiations. Senator Gore (*D. Tenn.*) was making another of those speeches in which he echoes the Pentagon-AEC line that no agreement to end testing underground is feasible. Monroney (*D. Okla.*) broke in to protest the President's statement that he favored providing our allies with nuclear weapons. Monroney, the first member of the Senate to speak up against this proposal, said nothing was more important to our security than to prevent "a proliferation of countries having the lethal weapons."

To this Gore made an astonishing reply. "I would regret to see such a course of action taken," he said, "but perhaps it might be well for Mr. Khrushchov to know that if he insists upon a Berlin ultimatum, either in the disarmament conference or in the summit conference, such a course of action might be taken by the United States. A nuclear armed Germany and the nuclear arming of powers on the periphery of the Soviet Union would be a great provocation. But so are a threat and an ultimatum concerning the allied position in Berlin."

## Easy Way to Torpedo the Summit Talks

What made this the more striking is that Gore had just finished explaining that as a member of the Joint Committee on Atomic Energy he had been listening "in secret session" the day before the President's remark to testimony on this very matter. Gore agreed with Monroney that there were "foreboding implications" in such a move. He admitted one danger "would be the obliteration of any real hope for the control of nuclear weapons" and that another would lie in the provocative implications for the Soviet Union and its satellites "of the nuclear arming of West Germany and the possibility of supplying nuclear armaments to Turkey and Japan." Gore doubted whether such action "before the summit meeting" would be conducive to its success. It would indeed torpedo any chance of agreement, which is what Bonn and the Pentagon desire.

The revelations made by Gore in replying to Monroney deserve the closest attention. They indicate that the Administration has been considering (1) using the threat of a nuclear armed Germany in the coming Berlin negotiations or (2) even giving such arms to the Germans and perhaps also the Turks and Japanese *in advance* of the summit meeting. The witnesses at the secret session to which Gore referred were McCone of the AEC, Deputy Secretary of Defense Douglas and Under Secretary of State Merchant. Furthermore Gore's concluding remarks, like the vaguer but anguished questions raised on the floor of the House next day by Chet Holifield (*D. Cal.*), a senior member of the Joint Committee on Atomic Energy, indicate that these officials canvassed with the committee the possibility of using an executive order to give Germany nuclear arms without asking Congress to change the Atomic Energy Act.

If such a measure is necessary, Holifield pleaded, "then let the Congress debate the issue so that the American people may learn the dire portent of the step we take." Gore indicated the nature of the secret briefing by embarking on a full legal discussion. He said action by the President without changing the Atomic Energy Act (which forbids such a course) would raise two questions. One was whether the President could use the "inherent" powers of his office "to follow one course of action, when Congress has specifically considered the subject and by legislation has provided an alternative procedure." The other was whether "regardless of any legislative prohibitions" the President could use these "inherent" powers "when a grave emergency develops." Gore cited the Supreme Court's decision in the 1952 steel seizure case (*Youngstown Sheet and Tube v. Sawyer*, 343 US 579). All the Justices agreed that (in the words of Clark's concurring opinion) "where Congress has laid down specific procedures to deal with the type of crisis confronting the President, he must follow those procedures." There was no need for Gore to argue the constitutional point, indeed he would hardly have taken time to study the precedents, if the Administration had not seriously been considering ways to short-circuit Congress by a declaration of emergency. Something very dangerous is being cooked up.

### Covering Up the German Angle

**The New York Times said Feb. 4 in its news story on the President's press conference that the State and Defense Departments had been making plans "to give complete atomic weapons only to Britain." This reflects official attempts to cover up the plans to give nuclear weapons to the Germans.**

**It is indicative that the London Times in its leading editorial next day (Feb. 5) made no reference whatsoever to weapons for Britain but treated the President's remarks as an entering wedge for France and Germany. It said "the fact has to be faced" that giving atomic arms to the Germans "would be unacceptable" to most NATO members.**

**The London Sunday Observer (Feb. 7) in a story by its Defense Correspondent said "The Government has told the three Defense Departments that it does not expect extra nuclear weapons or ballistic missiles from the U.S." despite the Eisenhower remark at press conference "and intends to persevere with the development of Britain's own bombs."**



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**But They Want to Do It In Such a Way As to Put the Blame on the Russians**

# Pentagon and AEC Looking for Formula to Upset Nuclear Talks

The plain truth about the nuclear test negotiations is that powerful forces in the U.S. government would like to end the talks once and for all, and with them the hopes of a disarmament agreement. They are casting about for a formula which will upset the talks but in such a way that they can put the blame on the Russians. What they are trying to formulate now is a proposal which they feel sure the Russians will reject —that is a plan which will permit testing to continue underground but will still demand a large measure of inspection. The military and the AEC want to develop more "miniature" weapons. The further we go along this line the less the chance of ever fighting a non-nuclear war.

## More Light on That "Big Hole"

The one-day hearing held by the Humphrey subcommittee Feb. 4 show where follow-through is needed. Except for the Air Force seismologist, Carl Romney, the other three members of our technical negotiating team at Geneva last Fall agreed (1) that too little has been done to implement the Berkner panel recommendations of last March for improving means of detecting underground blasts (2) that they were still hopeful about continuing the talks and (3) that the Russian scientists did discuss the new data and make a real contribution to its understanding. Drs. Fisk and Panofsky also agreed that the Teller "big hole" theory for muffling underground blasts would be very difficult, time-consuming and expensive even if feasible. They said a room as big as the hearing room a half mile underground could muffle a shot of only one-seventieth of a kiloton and that it would take a hole almost as big as the Pentagon for a 70 kiloton blast. That, today, is a small weapon.

## Questions They Should Have Asked

It is a pity questioning was not more precise. Of the four Senators present, Gore and Hickenlooper ran interference for the AEC; the youthful Church of Idaho is as cautious as an aging elephant; only Humphrey asked any real questions.

Not asked: Why has there been no estimate of what the improvements agreed upon in the new talks at Geneva would do to the efficiency of the 180-station system? Is it true that using arrays of 100 instead of 10 seismographs at each station would bring the detection threshold down to 7 or 8 kilotons; that putting seismographs in deep holes would bring this down even further? Congressman Porter of Oregon was calling the attention of the House at press time Feb. 10 to the fact that Russian delegates at the recent "foothills" parliamentary conference in London agreed to the use of unmanned seismographs in addition to the 180 stations (as recommended by the Berkner panel). This would further improve detection. Prof. Jay Orear of Cornell told the London meeting U.S. delegates had been instructed not to bring up the question of unmanned stations. Why? This is a question we hope the Humphrey subcommittee will explore in further hearings.

### 21 House Members for Ban on Testing

**A bloc of 21 Democratic Congressmen are supporting a resolution, H. Con. Res. 573 by Clem Miller (Cal.), to extend the U.S. moratorium on nuclear testing at least until the end of this year but no Senator has yet been found to join them. The Miller resolution says testing "adversely affects both human health and psychological attitudes conducive to peaceful negotiations"; and cites the U.S. vote for a UN resolution last Fall (78-to-0) for test cessation.**

**Thompson (N.J.) Feb. 10 became the 19th Congressman to introduce an identical resolution. The others are Ashley (Ohio), Blatnik (Minn.), Burdick (N.D.), Flynn (Wis.), Foley (Md.), Gray (Ill.), Green (Ore.), Johnson (Col.), Karth (Minn.), Kastenmeier (Wis.), Kowalski (Conn.), Meyer (Vt.), Rivers (Alaska), Roosevelt (Cal.), Wier (Minn.), Wolf (Iowa) and Harmon (Ind.). Vanik (Ohio) agrees "in principle" and may do likewise next week. Porter (Ore.) is supporting H. Con. Res. 573 but has a broader measure, H.R. 4295, which calls for no testing as long as other nations don't test. This has been buried more than a year in the Joint Committee on Atomic Energy.**

## Ignored by the Press: Three Who Spoke Up for Arms Control in Senate Feb. 8

**"Forty-one billion dollars or forty-two billion dollars are being poured into this economy today for military expenditures. Does anyone want to suggest this is a free economy? There is no free economy in the U.S.A. today. The economy of America today is basically a military economy, with a great many businessmen in America subsidized with national defense expenditures. Businessmen are the most subsidized group in America. The business subsidy makes the subsidy which the farmers get look like economic peanuts.**

**"We shall not have any true prosperity when that prosperity is built upon between $41 and $42 billion of military expenditures. We cannot eat the fruit of those expenditures. We cannot wear them. They do not house us. . . . The sad feature is that such expenditures advance the danger of the destruction of the United States. . . . The American people need to be awakened to the great danger that confronts them as we, along with Russia, lead mankind, I fear, to its own destruction by building up a nuclear arms race which cannot be squared with a single moral principle that we teach our boys and girls."**

*—Senator Morse (D. Ore)*

**"The United States is the only nuclear power which has not accepted total and permanent disarmament under adequate international safeguards as its goal. . . . I think that it is a disgrace. The British have done it. The Russians have done it. We have not done it. If the newspaper accounts of the disarmament report furnished the President by Mr. Coolidge are correct, we are not going to do it at the 10-nation disarmament conference convening in Geneva next month."**

*—Senator Clark (D. Pa.)*

**"With a number of my senatorial colleagues, I was in Russia when Khrushchov made his proposal of total disarmament before the UN. Our reaction was the same: What are we—the U.S.—going to respond? What answer is the President going to make to this? If this is a phony proposal, it should be immediately challenged. If it is a sincere proposal, we should promptly support it. . . . But there was a complete silence from our administration, a completely negative attitude. . . . I think the cessation of all nuclear tests is not an unattainable goal. We should strive for it, persist in it, until we get it."**

*—Senator Gruening (D. Alaska)*

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**Add Election Issues The Democrats Are Afraid to Talk About**

# How Nixon and Mundt Tied Their Beloved Red Hunt Into Beautiful Knots

When Nixon and Mundt were on the Un-American Activities Committee together in the 1940's they sponsored a bill fathered by the U.S. Chamber of Commerce requiring Communists to register with a Subversive Activities Control Board. When Congress finally passed the Mundt-Nixon bill in 1950, Truman vetoed it, warning that it was unconstitutional. Congress passed the bill over his veto to become the Internal Security Act. Now that it heads for its final test in the Supreme Court, the Nixon-Mundt handiwork has the government tied up beautifully in knots.

This is the story behind the order issued by the Court Feb. 5 agreeing to hear argument on the Internal Security Act next October but coupling it (over a dissent by Clark) with reargument on two other appeals which for the first time test that provision of the Smith Act which makes membership in the Communist Party a crime. The Court said the issues were interrelated.

This interrelationship is a lovely legal tangle. When the Mundt-Nixon bill was being drafted, lawyers as conservative as John W. Davis warned against it, declaring that Communists could refuse to register, pleading their Fifth amendment rights, since the disclosure of membership might be used to incriminate them. So a section, 4f, was written into the statute saying that no one could be held guilty of a crime merely because he was an officer or member of the Communist Party.

This may boomerang in the Smith Act membership cases. The defense argues that Section 4f of the Internal Security Act in effect repealed the membership provision of the Smith Act. If the Court rejects this argument and upholds the membership convictions, it will have to hold that Communists cannot be forced to disclose their membership under the Internal Security Act.

On the other hand, even if the Court holds that membership alone is not a crime, it will still have difficulty in upholding the registration provisions. The disclosure of membership could still be used as "a link in a chain" of evidence to prosecute for unlawful teaching or advocacy under the Smith Act or other anti-Communist laws.

In testimony before the Un-American Activities Committee during hearings on the Mundt-Nixon bill, Truman's Attorney General warned that Communists could not constitutionally be forced to register as long as there were laws making various forms of Communist activity a crime. Now the prediction may be coming true. It will be interesting to see whether that Attorney General himself still feels the same way about it. He is now Supreme Court Justice Tom Clark.

### Lesson in Americanism

**"If I refuse employment to an artist for any reason other than his ability, then morally, I am using a blacklist. . . . I think those who disagree with me have as much right to constitutional guarantees as I have. . . . I don't think the American Legion has examined its own approach sufficiently. You cannot praise the Constitution out of one side of your mouth, deny it out of the other."**

*—Sidney Kramer, producer of "On the Beach" and "The Defiant Ones", defying an American Legion attack for hiring a writer, Nedrick Young, who was blacklisted after criticizing the Un-American Activities Committee, New York Times, Feb. 8.*

# Walter Never Seems to Apply Loyalty-Security Standards to Rightists

Pusillanimous is the word for our Democratic liberals. H.R. 8121 came up on the consent calendar of the House Feb 2 when one objection could have blocked it. None spoke up. This is the Walter bill to overrule the Greene decision of last year and—as he explained to the House—allow "faceless informer" evidence against several million workers employed on military contracts and subcontracts. The bill also permits "investigative methods" (see adjoining box) to be kept secret. Not one voice was heard in the House demanding debate before permitting the writing into law of methods as un-American as denying people the right to face their accusers. The bill is in the form of an amendment to the Internal Security Act of 1950 so it goes to the Senate Internal Security subcommittee which Eastland heads. There is real danger that the bill may slip through unless enough Senators hear from home on this.

An example of the double standard applied by Walter on security-loyalty was the appearance before his Un-American Committee Feb. 2 during the youth festival hearings of a man named Andrew Ilyinsky employed by the U.S. Customs in New York to check on Communist propaganda in mail from abroad, Ilyinsky, born in Prague 1926 of White Russian parents, studied in Munich during the Nazi period and said vaguely he worked with "anti-Communist groups" during World War II. He was imprisoned after the war by the Russions but escaped, coming to this country in September of 1957. Now he is a government employe, in effect censoring the mails. How do such people get cleared so easily? And why didn't Walter question *him* about his political past?

### Orwellian Police Methods

**If we really had an un-American committee which was "American" in the traditional sense, it would be investigating the shockingly Orwellian "big brother" police practices revealed by a U.S. Court of Appeals decision in the District of Columbia last week. The Court upheld 2-to-1 the conviction of some "bookies" on the basis of evidence obtained by new electronic eavesdropping devices. The police and Treasury agents inserted a needle or spike about 12 inches long into the brick wall of a private home in which bets were being received. This touched the heating duct and transformed the duct into "a giant microphone, running through the entire house." Judge George T. Washington (a collateral descendant) dissenting felt that the conviction should have been reversed and the evidence so obtained excluded. He said that while technically this might not have been trespass, the Government has no authority to use such methods "and electronic eavesdropping was surely not contemplated in common law concepts of legitimate police activity." He said such methods were far more dangerous than wiretaps and could be used as an 'instrument of political oppression." (Silverman v. U.S. Feb. 4.) The case will be appealed to the Supreme Court. It is revealing that Walter, Eastland & Co. never seem to consider police state practices "un-American."**



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**Soustelle and deSerigny Do Better With Mobs Than at Orderly Elections**

# The One Clear and Simple Way to Guarantee the Negro's Right to Vote

Nothing in the Constitution is clearer than the right of Congress to regulate elections. Art. I, Sec. IV says Congress "may at any time by law make or alter" the election laws of the States insofar as the choosing of Representatives and Senators is concerned. Skulduggery in elections may be checked under Section V which makes each house of Congress "the judge of the elections, returns and qualifications of its own members." The 15th Amendment gives Congress "power to enforce . . . by appropriate legislation" the provision that "the right of citizens to vote" shall not be abridged "by any State on account of race, color or previous condition of servitude." It is the will which has been lacking.

Neither the Rogers plan for voting referees to be appointed by the Courts nor the Civil Rights Commission plan for the appointment of temporary registrars by the President uses these powers fully. Either will put the burden on Negroes in the hostile atmosphere of the South to engage in prolonged litigation and make them dependent on faltering courts and an often indifferent White House. The simple way out would be to use the 15th amendment to establish a Federal elections commission to register voters and supervise voting in primary and general elections for all Federal offices. This would put white and black, North and South, on a footing of equality. Granted that this is politically impossible at the moment, why shouldn't the Negro and his friends campaign for a real remedy rather than weakly acquiesce in half-loaf measures which won't pass Congress anyway unless cut down to even more meagre proportions?

## On the Ticker-Tape from the Capital

We hope voters won't be too impressed by the sudden spate of activity in the Senate designed to prove Lyndon Johnson a liberal. The House will reduce, shelve or kill much of this legislation and Eisenhower will veto the rest. It's an election year game. The clean elections bill is to be forgotten in the House; Majority Leader McCormack is getting ready to cut teachers' salaries out of any education bill. Senate liberals like Clark, Hennings and McNamara are sincere enough and dazzled by their election year support but don't expect much actually to be written into law.

### Remark of the Week

**"If we can stand up and be served, why can't we sit down and be served?"**

*—Negro college girl in the spreading racial sitdown strikes at lunch counters in North Carolina, AP dispatch from Durham dated Feb. 8.*

Nothing could be more ludicrous than the solemn objections to Rep. Adam Clayton Powell as prospective chairman of House Education and Labor on the ground that he is a "racist." He is. But if racism were to overrule seniority, most of the Southern chairmen in Congress would lose their posts. Powell is not as racist as they are, and poorer members of the white race will get a much better break from Powell than they did from Barden of North Carolina. We prefer "racist" Powell to Uncle Tom Negro Congressmen.

The firing of Jacques Soustelle by de Gaulle was good news from France. Do not overestimate Soustelle's real following even in Algeria. The noise made by the extremists is out of proportion to their numbers. The municipal and Senatorial elections held in Algeria last spring "showed that European right wing extremists had lost ground to moderate and comparatively liberal elements in Algiers, and still more so in the smaller towns" (*Keesing's Contemporary Archives,* 1959, p. 17,183). The Comte Alain de Serigny, owner of the Fascistic and violent *Echo d'Alger,* now under arrest, was defeated by a moderate for the Senatorship in Algiers despite the support of Soustelle.

Meyer (*D. Vt.*) blocked a bill to "lend" Chiang Kai-shek another U.S. naval vessel when it came up on the consent calendar Feb. 2. . . . Holifield (*D. Cal.*) not only refused to talk with youngsters about the House Un-American Committee but complained to capitol police about them. . . . The attack by conservative Bob Moses of New York Power Authority on Governor Rockefeller for trying to freeze public power out of the nuclear field should be a lesson to soft-headed pro-Rockefeller liberals. . . . The D. C. Bar Association voted 110-66 Feb. 8 against faceless informers in passport hearings.

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